

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

|                   |   |                             |
|-------------------|---|-----------------------------|
| CAMERON SHAW,     | ) |                             |
|                   | ) |                             |
| Plaintiff,        | ) |                             |
|                   | ) |                             |
| vs.               | ) | Case No. 10-cv-0144-MJR-SCW |
|                   | ) |                             |
| JAY M. MERCHANT,  | ) |                             |
| KENNETH ROBINSON, | ) |                             |
| and HIRAM SLOAN,  | ) |                             |
|                   | ) |                             |
| Defendants.       | ) |                             |

MEMORANDUM AND ORDER

REAGAN, District Judge:

An inmate in the custody of the Illinois Department of Corrections, Cameron Shaw filed suit in this Court under 42 U.S.C. 1983, alleging that various correctional officials at Pinckneyville Correctional Center violated his federally-secured constitutional rights. More specifically, Shaw alleged that he suffers from a seizure disorder, he was given a medical permission slip authorizing a “low bunk” assignment, he was denied a low bunk assignment, he fell from an upper bunk and was injured, and Defendants failed to protect him from this harm and failed to provide adequate medical care for the injuries he sustained in the fall.

On threshold review of the complaint under 28 U.S.C. 1915A, the Court construed the complaint as alleging violations of Shaw’s rights under the Eighth Amendment to the United States Constitution, dismissed the claims against four Defendants (Gaetz, Walker, Larson and Obadina), directed service to be made on the other named Defendants, and referred the case to a United States Magistrate Judge for pretrial proceedings.

Later Orders clarified the identity of several Defendants, Shaw filed an amended complaint in November 2010, and an additional Defendant was dismissed in August 2011. Remaining at this time are Shaw's Eighth Amendment deliberate indifference claims against Defendants Jay Merchant, Kenneth Robinson, and Hiram Sloan.<sup>1</sup> Now before the Court is the summary judgment motion filed by these three Defendants to which Plaintiff Shaw responded October 3, 2011.

On January 6, 2012, the Honorable Stephen C. Williams, Magistrate Judge, submitted a Report and Recommendation as to this motion (Doc. 72). The Report recommends that the undersigned District Judge partially grant and partially deny the summary judgment motion. The Report and Recommendation was sent to the parties along with a Notice plainly advising that any Objections must be filed within 14 days of service, and failure to file such objections would result in a waiver of the right to appeal all issues addressed therein (Doc. 72-1).

Plaintiff received only a partial copy of the Report and Recommendation, so the Court freshly mailed a complete copy of the Report and Recommendation on January 18, 2012 and adjusted the objection-filing deadline accordingly. Objections to the Report and Recommendation were due to be filed no later than February 6, 2012.

As of February 13, 2011 at 3:00 pm, no objections were filed by any party. Accordingly, pursuant to 28 U.S.C. 636(b), the undersigned Judge need not conduct *de novo* review of the Report and Recommendations. **28 U.S.C. 636(b)(1)(C)**("A judge of the court shall make a *de novo* determination of those portions of the report or

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<sup>1</sup> The pleadings in the case have furnished additional information as to the Defendant's identities. At this time, the docket sheet still refers to Hiram Sloan as "C/O Saloan, also known as John Doe 2." The Clerk's Office will CORRECT/UPDATE the docket sheet as to Defendant Hiram Sloan and also reflect that Defendant Robinson's first name is Kenneth.

specified proposed findings or recommendations to which objection is made.”).  
*See also Thomas v. Arn*, 474 U.S. 140 (1985); *Johnson v. Zema Systems Corp.*,  
170 F.3d 734, 741 (7<sup>th</sup> Cir. 1999); *Video Views Inc., v. Studio 21, Ltd.*, 797 F.2d 538  
(7<sup>th</sup> Cir. 1986).

No objections having been filed by any party to the Report and Recommendation submitted by Judge Williams, the Court hereby **ADOPTS** the Report in its entirety (Doc. 72), and **GRANTS IN PART and DENIES IN PART** Defendants’ summary judgment motion (Doc. 55). The motion is **GRANTED** as to Defendants Jay Merchant and Hiram Sloan. At the close of the case, the Clerk’s Office shall enter judgment in favor of Defendants Merchant and Sloan and against Plaintiff Shaw.

The motion is **DENIED** as to Defendant Kenneth Robinson. Remaining for trial herein are Plaintiff Shaw’s claims against Defendant Robinson. One other motion is pending – a January 24, 2012 motion for appointment of counsel, in which Plaintiff renews his request for appointment of an attorney, as “this case has now advanced to the trial stage” (Doc. 75). That motion will be ruled on by Judge Williams, and the Court anticipates that, in the near future, a firm trial date and final pretrial conference will be scheduled.

IT IS SO ORDERED.

DATED February 13, 2012.

s/ **Michael J. Reagan**  
Michael J. Reagan  
United States District Judge